



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

August 5, 2005

The Honorable John Conyers
House of Representatives
Ranking Member, Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

Re: OSC File No. HA-05-2069

Dear Representative Conyers:

This letter is in response to information you provided the Office of Special Counsel (OSC) concerning allegations that Ms. Ann Veneman violated the Hatch Act by engaging in political activity financed by the United States Treasury. Specifically, it was alleged that, while acting in her official capacity as Secretary of the United States Department of Agriculture, and during an official state visit, Ms. Veneman made a partisan political speech in support of President George W. Bush's 2004 re-election campaign. We understand that Ms. Veneman is no longer a federal employee. As explained below, we will not be conducting an investigation into these allegations and will make no conclusion as to their merits.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of most federal executive branch employees. While most covered employees are prohibited from engaging in political activity while on duty, in a federal building, while wearing an official uniform or insignia, or using a government vehicle, the Hatch Act does not prohibit an employee appointed by the President, by and with the advice and consent of the Senate (PAS),¹ from doing so, provided the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.² 5 U.S.C. § 7324 (b).

Allegations such as those described above ordinarily would trigger an investigation by OSC and, if the facts warranted, a recommendation to the President of the United States for disciplinary action. However, because Ms. Veneman is no longer a federal employee, OSC would be unable to obtain meaningful disciplinary action against her, even if our investigation were to substantiate the allegations described above. Consequently, we have decided not to inquire further into those allegations and have closed our file in this matter.³

¹ To be exempt from this prohibition, a PAS also must hold a position whose duties and responsibilities continue outside normal duty hours and while away from the normal duty post and that is located within the United States, and the PAS must determine policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of federal laws. 5 U.S.C. § 7324 (b)(2).

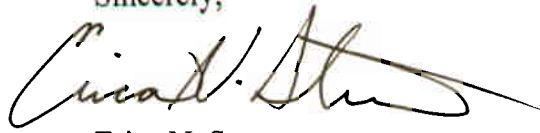
² Political activity has been defined as activity directed toward the success or failure of a political party, candidate for a partisan political office or partisan political group. 5 C.F.R. § 734.101.

³ We are still investigating the matter that you referred to us concerning Under Secretary William Thomas Hawks.

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If you have any questions or wish to discuss this matter further, please contact me at (202) 254-3673.

Sincerely,

A handwritten signature in dark ink, appearing to read "Erica N. Stern", with a long, sweeping horizontal line extending to the right.

Erica N. Stern
Attorney
Hatch Act Unit